

BEFORE THE PUBLIC SERVICE COMMISSION OF THE STATE OF MISSOURI

In the Matter of the Application of Southwestern Bell)
Telephone Company, d/b/a AT&T Missouri, for) **File No. IK-2016-0323**
Approval of an Amendment to an Interconnection)
Agreement Under Telecommunications Act of 1996)

ORDER APPROVING AMENDMENTS TO INTERCONNECTION AGREEMENT

Issue Date: June 23, 2016

Effective Date: July 5, 2016

This order approves the amendments to the interconnection agreement between the parties filed by Southwestern Bell Telephone Company, d/b/a AT&T Missouri (AT&T Missouri).

On May 27, 2016, AT&T Missouri filed an application with the Commission for approval of amendments to its interconnection agreement with GC Pivotal, LLC d/b/a Global Capacity (Global Capacity) (fka MegaPath Corporation) (fka DIECA Communications, Inc.). AT&T Missouri and Global Capacity currently have a Commission-approved interconnection agreement between them. In the current application, the parties have agreed to amend the interconnection agreement. The amendments were filed pursuant to Section 252(e)(1) of the Telecommunications Act of 1996.¹ The amendments would change the carrier's name in the current Agreement. Both AT&T Missouri and Global Capacity hold certificates of service authority or are registered to provide local exchange telecommunications services in Missouri.

¹ See 47 U.S.C. § 251, *et seq.*

Although Global Capacity is a party to the agreement, it did not join in the application. On June 2, 2016, the Commission issued an order making Global Capacity a party in this case and directing any party wishing to request a hearing to do so no later than June 16, 2016. No requests for hearing were filed.

Under Section 252(e) of the Act, any interconnection agreement adopted by negotiation must be submitted to the Commission for approval. The Commission may reject an agreement if it finds that the agreement is discriminatory or that it is not consistent with the public interest, convenience and necessity.

On June 9, 2016, the Staff of the Commission filed a memorandum and recommendation. The Staff memorandum recommends that the amendments to the agreement be approved and notes that the agreement meets the limited requirements of the Act in that it is not discriminatory toward nonparties and is not against the public interest. Staff recommends that the Commission direct the parties to submit any further amendments to the Commission for approval.

Findings of Fact

The Commission has considered the application, the supporting documentation, and Staff's verified recommendation. Based upon that review, the Commission finds that the agreement as amended meets the requirements of the Act in that it does not discriminate against a nonparty carrier and implementation of the agreement as amended is not inconsistent with the public interest, convenience and necessity. The Commission finds that approval of the agreement as amended shall be conditioned upon the parties submitting any further amendments to the Commission for approval pursuant to the procedure set out below.

Amendment Procedure

The Commission has a duty to review all interconnection agreements, whether arrived at through negotiation or arbitration, as mandated by the Act.² In order for the Commission's role of review and approval to be effective, the Commission must also review and approve or recognize amendments to these agreements. The Commission has a further duty to make a copy of every interconnection agreement available for public inspection.³

The parties to each interconnection agreement must maintain a complete and current copy of the agreement, together with all amendments, in the Commission's offices. Any proposed amendment must be submitted pursuant to Commission rules 4 CSR 240-28.020(5) and 4 CSR 240-28.080.

Conclusions of Law

The Commission, under the provisions of Section 252(e)(1) of the federal Telecommunications Act of 1996,⁴ is required to review negotiated interconnection agreements. It may only reject a negotiated agreement upon a finding that its implementation would be discriminatory to a nonparty or inconsistent with the public interest, convenience and necessity.⁵ Based upon its review of the amendments to the agreement between AT&T Missouri and Global Capacity and its findings of fact, the Commission concludes that the agreement as amended is neither discriminatory nor inconsistent with the public interest and shall be approved.

² 47 U.S.C. § 252.

³ 47 U.S.C. § 252(h).

⁴ 47 U.S.C. § 252(e)(1).

⁵ 47 U.S.C. § 252(e)(2)(A).

THE COMMISSION ORDERS THAT:

1. The amendments to the interconnection agreement between Southwestern Bell Telephone Company, d/b/a AT&T Missouri and GC Pivotal, LLC d/b/a Global Capacity, filed on May 27, 2016, are approved.
2. Any changes or amendments to this agreement shall be submitted in compliance with 4 CSR 240-28.020(5) and 4 CSR 240-28.080.
3. This order shall become effective on July 5, 2016.
4. This file may be closed on July 6, 2016.



BY THE COMMISSION

A handwritten signature in cursive script that reads "Morris L. Woodruff".

Morris L. Woodruff
Secretary

Morris L. Woodruff, Chief Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this [] day of [], 20[].